

**United Plastics, Inc. and David J. Hanley, Case 33-
CA-4188**

March 23, 1981

DECISION AND ORDER

On April 25, 1980, Administrative Law Judge John M. Dyer issued the attached Decision in this proceeding. Thereafter, Respondent and the General Counsel filed exceptions and supporting briefs.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings,¹ and conclusions of the Administrative Law Judge, as modified herein, and to adopt his recommended Order.²

We agree with the Administrative Law Judge that David J. Hanley's discharge violated Section 8(a)(3) of the National Labor Relations Act, herein called the Act, but we find merit in the General Counsel's exceptions to the Administrative Law Judge's finding that Hanley's discharge was motivated, in part, by Hanley's failure to perform a work assignment.

Although Respondent presented evidence intended to show that Hanley's failure to perform an assigned task was the motivating reason for his discharge, it is clear from a review of the credited testimony that Respondent's singular concern in terminating Hanley was with his statement that he possessed a union card. When Hanley protested his discharge to Respondent's president, B. Bryan Smith, Smith did not refer to Hanley's unfinished work but instead stated that if a union ever came into Respondent's plant he would close down or move. In addition, the credited testimony of Melvin Workman, plant manager at the time of the discharge, reveals that, immediately after firing Hanley, Smith cursed unions in general and threatened again to close down the plant if it became unionized. Smith specifically informed Workman that the reason for Hanley's discharge was the union remark.

¹ Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

² The Administrative Law Judge included a broad cease-and-desist provision in his recommended Order. In *Hickmott Foods, Inc.*, 242 NLRB 1357 (1979), the Board held that such an order is warranted only when a respondent is shown to have a proclivity to violate the Act, or has engaged in such egregious or widespread misconduct as to demonstrate a general disregard for the employees' fundamental statutory rights. We find this case does not fall into the above category. We therefore substitute a narrow cease-and-desist provision for the broad one in the recommended Order and conform the notice accordingly.

We also noted that at various times during this proceeding Respondent relied on divergent reasons for Hanley's discharge. Respondent asserted that Hanley's discharge was actually a layoff resulting from a normal production cutback, but this assertion was contradicted by the record. Further, Respondent's contention, as noted above, that Hanley was discharged because he failed to perform work that needed to be done is somewhat inconsistent with its assertion that it was cutting back production.

Accordingly, in light of Respondent's strong union animus, its singular concern with Hanley's union remark at the time of the discharge, and its shifting and inconsistent reasons for Hanley's discharge, we conclude that the motivation for the discharge was Respondent's perception of Hanley's union participation, and that Respondent's asserted reasons were merely pretextual.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, United Plastics, Inc., Champaign, Illinois, its officers, agents, successors, and assigns, shall take the action set forth in the recommended Order, as so modified:

1. Substitute the following for paragraph 1(f):

"(f) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act."

2. Insert the following as paragraph 2(b) and renumber the subsequent paragraphs accordingly:

"(b) Preserve and, upon request, make available to the Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all other records necessary to analyze the amount of backpay due under the terms of this Order."

3. Substitute the attached notice for that of the Administrative Law Judge.

APPENDIX

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

After a hearing at which all sides had an opportunity to present evidence and state their positions, the National Labor Relations Board found that we

have violated the National Labor Relations Act, as amended, and has ordered us to post this notice.

WE WILL NOT fire employees because we believe they have been engaging in union and concerted activities for their mutual aid and protection.

WE WILL NOT unlawfully interrogate our employees about their union sentiments or activities.

WE WILL NOT threaten and coerce employees by warning them that the plant would be closed if they chose a union as their bargaining agent.

WE WILL NOT threaten and coerce employees by telling them another employee was discharged because of his union activities.

WE WILL NOT threaten employees with discharge if they support a union.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of rights guaranteed them under Section 7 of the Act.

WE WILL offer David J. Hanley immediate and full reinstatement to his former job and reimburse him for the pay he lost as a result of our discriminatory action, with interest.

UNITED PLASTICS, INC.

DECISION

STATEMENT OF THE CASE

JOHN M. DYER, Administrative Law Judge: On March 27, 1979,¹ David Hanley filed a charge against United Plastics, Inc., herein called the Company or Respondent, alleging that Respondent terminated him for the stated reason that he had attempted to interest a fellow worker in joining a union. The Regional Director issued the complaint on April 27, alleging that Respondent's president, Brian Smith, had interrogated employees concerning union activities, threatened employees with discharge and with plant closure, and said that employees had been discharged because of union activities and created the impression that Respondent kept employee union activities under surveillance. The complaint also alleged that Respondent had terminated Hanley because of his union or protected concerted activities in violation of Section 8(a)(1) and (3) of the Act.

Respondent's timely answer admitted the jurisdictional and service allegations and the supervisory status of President Smith, Comptroller James Bruhn, and Production Manager Melvin Workman and that Hanley had been laid off and had not been recalled or reinstated but denied that it had violated the Act in any manner.

The General Counsel claims that President Smith is very antiunion and has made numerous statements displaying that sentiment to Hanley and to supervisory per-

sonnel and that Hanley was terminated because fellow employee Calle told Smith that Hanley had a union card and refused to do certain work and, on the mistaken assumption Hanley was prounion or a union sympathizer, Smith terminated him.

Respondent claims that Hanley was laid off for refusing to package materials which he had been instructed to do and that he could not be trusted to work by himself at night without supervision.

The main question is whether Smith terminated Hanley solely because of Hanley's not packing boots or whether part of the reason for the termination was the statement allegedly made by Hanley about having a union card. I have concluded that both items entered into Smith's decision to terminate Hanley and therefore that the termination violates the Act. There are credibility conflicts in this case, and I have resolved them where possible and have set forth the events based on facts and credibility determinations. It appears from President Smith's termination of another individual that any action or attitude Smith considers malingering, he equates with a union attitude and so labels it and makes his convictions known.

The parties were afforded full opportunity to appear, to examine and cross-examine witnesses, and to argue orally at the hearing held in this matter on August 30, 1979, in Champaign, Illinois. The General Counsel and Respondent have filed briefs which have been carefully considered.

On the entire record in this case, including the exhibits and the testimony, and on my evaluation of the reliability of the witnesses based on the evidence and their demeanor, I make the following:

FINDINGS OF FACT

I. COMMERCE FINDINGS

Respondent is an Illinois corporation with its office and place of business in Champaign, Illinois, where it is engaged in manufacturing polyethylene films and related products. During the past year Respondent received at its plant, directly from points outside the State of Illinois, goods and materials valued in excess of \$50,000, and during the same period sold and shipped finished goods, directly to points outside the State, which were valued in excess of \$50,000.

Respondent admits, and I find, that it is engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

II. THE UNFAIR LABOR PRACTICES

A. Background and Facts

Brian Smith is the principal owner and chief managing agent of Respondent. Some 2 years ago, Smith had a serious heart attack and spent about a year recuperating in Florida. When he returned, found the Company somewhat in disarray and losing money. He told Hanley he had fired everybody and began rebuilding the plant personnel and was still so engaged in early 1979. Smith's two sons help him run the business and in March 1979 he

¹ Unless specifically stated otherwise, all events herein took place during 1979.

also had a production manager, Melvin Workman, Comptroller James Bruhn, and some 10 employees.

Smith had built this plant in 1974 and it contains a large plastic extruder, which is apparently owned by a separate corporation run by Smith, called Carousel International. This extruder heats plastic pellets and produces a plastic bubble which is transformed into plastic film on rolls which was used by United Plastics, Inc., to make plastic boots, gloves, and aprons. According to the amount of orders for finished products, the extruder may work from 5 days to 15 or 20 days during a month. When it is operating, the extruder is run on a 24-hour per day basis to produce the amount of film desired, and those operating the machine work 12-hour shifts.

When David Hanley was hired, Enrique Calle was the dayshift operator who worked on the extruder and, having some 4 years prior experience, would also operate other machines such as the apron or glove and boot making machines. When the extruder is running, there is also a helper present to assist in removing the plastic rolls. Due to the limited number of employees, they are expected to perform other functions in the plant as well. When the extruder is shut down, the employees work on other machines, usually on an 8-hour shift.

The plastic disposable items are produced in large quantities and are usually packaged by female employees who work in the assembly packaging area. The items are put in display boxes with from 50 to 100 per package. These packages are then packed in large shipping cartons. During early March, the display packages and cartons had been used up and Respondent had to wait some 4 or 5 days for a new shipment. Finished products were placed in groups of 100 in large cartons called "Gaylords" until the packages were received and then they were to be repacked for shipment by Monday, March 12.

B. The 8(a)(1) Statements

David Hanley was interviewed by Smith on February 14 and began work on February 15. Hanley had never been employed in a plastics manufacturing firm, with his previous employment having been as an automobile salesman, a shoe salesman, and an assistant manager of a fast food operation. Smith asked Hanley about his previous work history, his background, places where he had lived, his religious affiliation, etc., and if he was a member of a union. Hanley said he was not, that unions had almost put his father out of business, and that he would prefer not to work for a company where union membership was a prerequisite for employment. According to Hanley, Smith said that about 3 years ago an employee had attempted to organize a union at the plant and Smith had fired him and that had been the end of the union organization. Smith added that he had made his money and if somebody tried to unionize the plant, he would close the doors and walk away from it.

Smith stated that he did not recall ever threatening his employees that he would close the plant if they joined the Union. When pressed later during his examination, Smith said that he had not told Hanley that he had fired an employee because he joined the Union and that he had not threatened to discharge employees for being union. As to threatening to close the plant, Smith said he

could not afford to close it. This latter answer is not responsive to the question of whether he ever made such a threat, and his other answers are not direct denials of the statements attributed to him.

Hanley testified that while he was employed, another individual was hired by Smith and a few hours later Smith looked for him and found that he was in the bathroom. Smith said that was a typical unionistic slovenly approach to work and that employees could only go to the bathroom on breaktime. When the individual returned from the bathroom, Smith fired him.

Comptroller James Bruhn testified that on at least two occasions, apparently prior to Hanley's termination, Smith had told him in conversations that if the Union ever tried to organize his plant, he would close it down or sell it piece by piece rather than deal with a union.

Under the circumstances here, I credit Hanley's testimony concerning Smith's statements and find that they violated Section 8(a)(1) of the Act as unlawful interrogation, a threat to discharge employees or to close the plant if it were unionized, and a warning that another employee had been fired for attempting to organize a union.

C. Hanley's Employment Record and Termination

Hanley testified he was trained on the rotary die-cut machine and the extruder by both Smith and Calle, started working an 8-hour shift and eventually went to a 12-hour day. He said he worked the two weekends before he was terminated, was working 7 days a week, 12 hours a day, and that the extruder was working around the clock during that period. Somewhat contradictorily, he stated that he raised the bubble on the extruder and indicated this occurred when the extruder was started up on March 7. Respondent's records indicate that Hanley had not worked the two previous weekends and that when the extruder was not in use the employees worked an 8-hour day, 5 days a week with some occasional overtime.

During the week of March 7, Hanley was working an evening shift from 7 p.m. to 7 a.m. running the extruder with a helper named Bundy. Hanley had received permission to come in a couple of hours late on March 9, since it was his wife's birthday, and he reported around 9 p.m., while Calle testified Hanley came in somewhere between 9 and 10 p.m.

Calle testified that both Hanley and the person who succeeded him, De Pew, were instructed that if there was any problem concerning the extruder, they were to punch one button and suspend the operation and call Calle. Calle stated that he stayed at the plant during the time the extruder was in operation and after working his day shift, would sleep in Smith's office throughout the night to be available if something went wrong.

The General Counsel's witness, Comptroller James Bruhn, said that on March 9 he stayed after his regular hours and helped Calle pack boots. The display packages and cartons were received, apparently that day, and the boots were being repackaged from the gaylords for shipment to customers on Monday. The groups of 100 boots would be put in a display package and then the display packages packed in a carton for shipment. Some of the

gaylords were in the shipping area where the pallets are located. During the day Calle had moved one or more of the gaylords near the extruder so he could watch the extruder while packing the boots. When the packaging was done, the cartons were taken back to the shipping area. According to Bruhn's testimony, the gaylords containing boots in the shipping area could be seen from the extruder, and if the packages of packed boots were taken to the shipping area, the person would be immediately adjacent to the gaylords of unpacked boots and could not have missed them.

Hanley's helper, Bundy, arrived at 7 p.m. and Bruhn left soon thereafter. According to Calle, Bundy was aware of the volume of boots to be packed and they packed boots until Hanley arrived, when Calle told Bundy to take a break.

Calle told Hanley that the boots had to be repacked, and Hanley said he would do it. According to Hanley, he and Bundy packed the boots that were in the gaylord near the extruder and finished about midnight. Hanley testified that during that evening he kept notes on the way to run the extruding machine and produced some notes to corroborate his testimony.

Calle testified that when he came on duty the next morning he saw Hanley and Bundy sitting on a table, with Hanley reading a book, and said that some gaylords near the pallets contained boots which had not been packed. He asked Hanley what had happened, if he had had any problems, and Hanley replied no. Calle then asked Hanley why the boots were not packed and Hanley said if they wanted those things done, they had better hire someone else. Hanley added something about belonging to the Union and having a card in the Union and that concluded the conversation. Then, Hanley and Bundy left.

Calle said the gaylords of boots had been sitting in the plant for 4 or 5 days because of the shortage of packing materials and that all employees knew they had to be repackaged for shipment on Monday at the latest.

According to Hanley, when Calle appeared he showed Calle the notes he had made and suggested that Calle keep similar notes so they could make up a training manual. Hanley testified he made the notes despite the fact that there were training manuals for the machine put out by the company that manufactured it. Calle said he was not interested in the notes and asked why Hanley had not packed the rest of the boots. Hanley said he asked what boots were to be packed and was told the boots that were in the other room by the pallet. Hanley said that he did not know that there were any boots in the other room. Calle then told Hanley they had to work for a living and could not sit around all night and take notes, and that Hanley did not have a union to protect him. Hanley said he replied he did not need a union, that he liked to make his living with his brains rather than his back muscles.

Shortly thereafter, President Smith called and asked Calle if everything was all right. Calle said it was and did not tell Smith about the boots not being packed. An hour or so later, Smith arrived at the plant, saw the gaylords of unpacked boots and asked Calle what had happened. Calle said he thought the work had been done but

that Hanley and Bundy had not done it and told Smith what Hanley had said to him about hiring somebody else if they wanted those things done since he was a machine operator and that he held a union card and would not do that work. Smith became angry and asked why Calle had not called him. Smith said he wanted Hanley fired and told Calle to shut down the extruder at the close of the shift.

The General Counsel's witness, Melvin Workman, stated he was the general manager of the plant, having been originally hired as a consultant, and testified that on Saturday he called the plant and spoke to Calle, asking if things were going all right. Calle answered he was going to shut down the extruder and, when asked why, said that Smith had told him to do so. Calle reported having an argument with Hanley over some work that Hanley should have done and that Hanley had made a remark about having a union card and not having to do that kind of work. He then told Workman that Smith had come to the plant and asked why the work was not done and Calle had told him what Hanley had said. Smith had gotten upset and told him to shut down the extruder at the end of the shift and that if Hanley came in that night, to tell him he was fired. Workman asked why Calle had not called him and was told that Smith had come in and he had not had a chance to do so.

Workman then called Smith who asked if Workman had heard about Hanley's remark about having a union card and not wanting to do certain work. Smith said that if the Union came in there, he would shut the plant down or close it or move it if necessary. Hanley reported that evening around 7 o'clock and found Calle shutting down the extruder. He asked what was going on since the extruder was supposed to operate and was told that Smith had told Calle to shut it down and have Hanley report in on Monday at 8 a.m.

Although Respondent indicated that it was normal to run the extruder only 5 days a week, it appears clear from the testimony of Calle, Hanley, Bruhn and Workman that the extruder had been scheduled to run that weekend and it was on Smith's orders that it was cut off.

Hanley said he arrived at the plant between 7:30 and 8 a.m. Monday morning and went to Smith's office. Smith told him that Calle had said Hanley had a union card and did not have to put up with the lousy working conditions in the plant and so Smith was firing him and to get out. Hanley said he complained and went to find Calle and told Calle he was causing Hanley to lose his job and that he had better go to the office and straighten out the lie he had told Smith. Hanley followed Calle back to the office and heard Calle say he had worked for Smith for 4 years and did not lie and what he had said was the truth and that Hanley was now calling him a liar. Smith told Calle to go back to his machine and he would take care of it. Hanley said he blocked the door so that nobody could get in or out of the office and that Workman came and took him outside, telling him to cool down. He left after Workman told him the situation could not be resolved and he could go see the NLRB.

Workman stated he overheard Smith accusing Hanley of making remarks about a union and of not having done

the work he was supposed to do. Hanley replied he did not make any statement about a union and thought that he had finished his work. Smith said that if a union ever came in, he would close the plant down or move it, and Hanley left.

Calle stated that he was working when Hanley came out to him and said something about going to the office and retracting what he had told Smith about a union card. Calle got angry and went to the office and told Smith he would not lie for anybody and was not about to retract the statement, that his report to Smith was correct.

Smith testified that on Monday he told Hanley he was going to lay him off until he got new supervision to run the plant and if the new supervisor wanted Hanley back, he could have him, but Hanley was laid off as of then. Hanley left and returned to the office a short time later and said he wanted to buy the business, that he could run it and had enough money to buy it, and asked Smith if the business was for sale. Smith told Hanley he was not interested in selling the business and Hanley raised a bit of "hell" and left.

Smith said he did not believe Hanley had ever had a union card because none of his prior jobs would have put him in a position where he would have contact with a union. He testified he terminated Hanley because he could not trust Hanley to do the work without supervision since Hanley had not packed the boots after being ordered to do so. Since he had no supervision at night, he could not afford to keep Hanley on the job.

Bruhn stated that his office was about 5 feet from Smith's office and he heard Smith tell Hanley he was laid off and that if he hired a new plant manager who wanted Hanley back, he would call him back. That was all Bruhn heard.

Workman testified that after Hanley had left the premises he was in a regular meeting with Smith who asked if he thought Hanley had made the remark about the union card. Workman said it was probably true but he could not be certain. Smith said he had shut down the extruder because of the remarks Hanley made about having a union card.

D. Analysis and Conclusions

Hanley's protestations that he did not know there were other boots to be packed is not credible under the circumstances here. Too many people knew the boots were there and had to be packed and shipped by Monday. Calle had informed Hanley what to do and Bundy, the helper, had been packing before Hanley arrived. When the boots had been repacked, they would have been taken to the shipping area and at that point Hanley could not have missed seeing the gaylords of unpacked boots. The testimony of Calle and his assertion of it to Workman is corroborative that Hanley said something to Calle about not having to do that work, that they should hire somebody else and either that he had a union card or was a member of the Union.

The testimony established that Smith is antiunion and considers employee behavior that does not comport with his idea of an ideal employee as being "union motivated" or a "union type" of mentality. Smith's discharge of an

employee for going to the bathroom other than on breaktime, which he assessed as a union type mentality or work habits, would be received in the same vein as Calle's report on Hanley's not packaging the boots and Hanley's remarks.

Although Smith testified he did not believe that Hanley was a member of the Union, it seems from his statements to Hanley and Workman that he was concerned that Hanley might have become interested in a union or equated his not packaging the other boots as being "union-minded" to the point that he wished to rid Respondent of Hanley.

Despite Hanley's denial of making a pronoun statement to Calle, I credit Calle's testimony in this regard, noting that Calle mentioned it to both Smith and Workman. I do not credit Smith's denials of antiunion statements and credit Workman's testimony of the Saturday and Monday Smith statements.

Since Respondent has a small work force and apparently wants its employees to do a number of different jobs, it is reasonable to assume that Hanley's apparent refusal to do some other work, in and of itself, would have been sufficient to cause Smith to terminate Hanley. However, Hanley's statement about a union or a union card became interwoven with his nonperformance of a work task in Smith's mind as evidenced by his statements to Workman on Saturday, to Hanley as overheard by Workman on Monday (which is partially corroborated by Calle's statement to Smith on Monday), and to Workman following the termination. These statements are sufficient to convince me that Smith's termination of Hanley had the dual motive of ridding Respondent of a person he felt needed supervision and getting rid of somebody with a union mentality of work habits who might have been in contact with a union and received a union card.

Where part of the motive of the termination was Smith's assumption that Hanley may have been involved with a union, the termination is tainted and is, I find, violative of Section 8(a)(1) and (3) of the Act.

I do not find that Smith's statements to Hanley concerning the Union at the time of termination created an impression of surveillance and dismiss that allegation of the case.

III. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of Respondent set forth in section II, above, and therein found to constitute unfair labor practices in violation of Section 8(a)(1) and (3) of the Act, occurring in connection with Respondent's business operations as set forth in section I above, have a close, intimate, and substantial relationship to trade, traffic, and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

IV. THE REMEDY

Having found that Respondent engaged in the unfair labor practices set forth above, I recommend that it

cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

Having found that Respondent terminated David J. Hanley on March 12, 1979, and refused to rehire him, I recommend that Respondent offer him immediate and full reinstatement to his former or substantially similar position, without prejudice to his seniority or other rights and privileges, and that Respondent make him whole for any loss of pay he may have suffered by reason of Respondent's discriminatory actions by payment to him of a sum equal to that which he would have normally received as wages from the date of his termination until Respondent offers him reinstatement, less any net earnings in the interim. Backpay is to be computed on a quarterly basis in the manner prescribed in *F. W. Woolworth Company*, 90 NLRB 289 (1950), and *Florida Steel Corporation*, 231 NLRB 651 (1977).² I further recommend that Respondent make available to the Board, upon request, payroll and other records in order to facilitate checking the amounts of backpay due and other rights he might be entitled to receive.

CONCLUSIONS OF LAW

1. Respondent is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. Respondent violated Section 8(a)(3) and (1) of the Act by its discriminatory termination of David J. Hanley because Respondent believed he engaged in union and concerted activities for the purposes of mutual aid and protection.

3. Respondent further violated Section 8(a)(1) of the Act by: (a) unlawfully interrogating employees about their union activities and sentiments; (b) threatening and coercing employees by warning that the plant would be closed if the employees chose a union as their bargaining agent; (c) threatening and coercing employees by telling them that another employee had been discharged because of his union activities; and (d) threatening employees with discharge if they supported a union.

Upon the basis of the foregoing findings of fact, conclusions of law, and the entire record in this case, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

ORDER³

The Respondent, United Plastics, Inc., Champaign, Illinois, its officers, agents, successors, and assigns, shall:

² See, generally, *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962).

³ In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the find-

1. Cease and desist from:

(a) Discriminatorily terminating employees because they believe the employees engaged in union and concerted activities.

(b) Unlawfully interrogating employees about their union sentiments and activities.

(c) Threatening and coercing employees by warning that the plant would be closed if the employees chose a union as their bargaining agent.

(d) Threatening and coercing employees by telling them that another employee had been discharged because of his union activities.

(e) Threatening employees with discharge if they supported a union.

(f) In the same or any other manner interfering with, restraining, or coercing employees in the exercise of rights under Section 7 of the Act.

2. Take the following affirmative action which is necessary to effectuate the policies of the Act:

(a) Reinstatement and make David J. Hanley whole for the loss of pay he suffered by reason of Respondent's discrimination against him in accordance with the recommendations set forth in the section of this Decision entitled "The Remedy."

(b) Post at its Champaign, Illinois, location copies of the attached notice marked "Appendix."⁴ Copies of said notice, on forms furnished by the Regional Director for Region 33, after being duly signed by an authorized representative of Respondent, shall be posted by Respondent immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(c) Notify the Regional Director for Region 33, in writing, within 20 days from the date of this Order, what steps Respondent has taken to comply herewith.

ings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

⁴ In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."